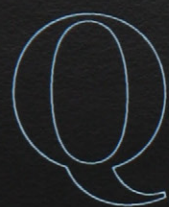


Quid Novi



OK FISHES, BACK IN THE
POOL

Vol. 21 No. 13 Faculty of Law le 9 janvier 2001



3661 Peel Street
Montreal, Quebec
H3A 1X1
514-398-4430

Rédacteur-en-chef

LAWNA HURL

Managing Editor

FRANCA SILLA

Associate Editor

VALERIE LEGROS

GRANT MCINTYRE

Rédacteur adjoint

LIZANNE BRUNELLE

Layout Editor

REBECCA HARE

Web Editor

MARTA JUZWIAK

QUID NOVI is published weekly
by students at the McGill University
Faculty of Law. Production
is made possible through the
direct support of the students.

All contents copyright 2000
Quid Novi.

Les opinions exprimées sont
propres aux auteurs. Toute contribution
doit indiquer l'auteur
ou son origine et n'est publiée
qu'à la discretion du comité de
rédaction. Articles peuvent être
envoyés au
quid_novi@hotmail.com

Table of Contents

President's Message.....	3
Vider la démocratie de son sens.....	4
An Introduction to Chinese Jurisprudence.....	5
Cameron Diaz v. Cameron Diaz.....	6
Shut the F**k Up.....	8
Beatle Law.....	9
Food and Clothes Drive Results.....	10
Career and Placement Office Newsletter.....	11

Dear all,
It's the start of another new year and
I've got some predictions for what
2001 will look like at the faculty.
There will be some sort of scandal
which in the bigger scheme of
things will be incredibly inconse-
quential but which will likely com-
mand all of our attention for many
weeks. There will be lots of
bitching and whining from some
people then others will bitch and
whine about the bitching and whin-
ing and it will just go on and on.
Hey, that's what we do. So I say, let
the games begin. And what better
way to get things started than with
the first Quid of the semester.
Rebecca.

PRESIDENT'S MESSAGE

Allen Mendelsohn

Let me take this opportunity to wish everyone a very Happy 2001, the real first year of the Millennium (yes, I'm one of those sticklers for the rules). I hope you all had a wonderful, relaxing holiday and are prepared for an excellent semester. I just thought I'd update you on what's up for the New Year.

Obviously, the most important change is the bookstore. Most of you are already aware of what's going on, so I won't rehash the whole story. Check your email if you're really clueless. I will, however, take this opportunity to welcome our new manager, second year student Kevin MacLeod. Kevin has done a super job organizing things and sorting out the mess that was left for him. For those of you who have already been across the street to buy casebooks, you know what a solid job he's done.

A big issue that will come up this semester is our membership for Thomson House. As you may or may not know (I assume most of you don't, because I didn't) we pay \$12 per semester to be associate members of Thomson House (it's buried in your "student services" fees). This has not been raised in over ten years, and as you can imagine, Thomson House wants more. They wanted a \$5 raise per semester, I got them down to \$2.50, and spread out over five years, so it would only go up fifty cents a year over five years. Our contract is up at the end of this semester so we need to decide now if we want to renew. Because this is a fees-related increase, it will have to go to referendum. Obviously, you'll hear a lot more about this in the weeks to come, but I welcome your input now.

You should all give a big thank you to Pierre-Etienne and Anne-Val, who have lined up SIX sponsored coffee houses in a row. Let's try to be well-behaved, at least until the lawyers have left the building...

So let's get the semester off to a roaring start by joining Fasken at their sponsored coffee house this week, with a special surprise theme (I don't even know what that is). Best of luck to you second years on your factum. Remember, Jolt Cola has twice the caffeine as a cup of coffee and Mountain Dew distributed in Canada is caffeine-free, unlike its American counterpart, so don't waste valuable bladder space on it.

le 9 janvier 2001

N

Vider la démocratie de son sens

Patrick Cormier Nat IV

Robert (Keller) écrivait dans le Quid du 28 novembre dernier: „[w]hat's happened to Canadian democracy? [...] If we live in a democracy, do we not have a right as citizens to be informed about, and have a say in, government responses to these crucial matters, and many, many others like them? Apparently not.“

Ce passage et l'article en général m'ont poussé à prendre quelques minutes pour dénoncer le brio avec lequel les ardents partisans de la "démocratie", les politiciens au premier rang et les médias pas très loin derrière sont, avec une certitude inéluctable, en train de vider la démocratie de son sens premier. Bien que l'article de Robert représente une contribution positive à ce problème, je ne crois pas qu'il aille assez loin.

"Démocratie" est un terme troublant et chargé d'émotivité. Il laisse peu de gens indifférents. Il est au cœur de l'éternelle dispute entre Ottawa et Québec, il est brandi comme un drapeau de légitimité face à l'oppression des régimes dictatoriaux, il est l'arme parfaite du démagogue sans scrupules. Certains s'agitent, clament haut et fort que l'expression parfaite de la démocratie est la "règle du 50 % plus un". Plusieurs politiciens semblent réduire "démocratie" à l'exercice du droit de vote par le peuple, sans plus. Il y a aussi les intellectuels et les juristes qui envisagent la "démocratie" comme une enveloppe très, très large pouvant contenir multitude de points de repères juridiques, de contenu inhérent, de valeurs inaliénables. Une chose est cependant certaine; il est rare que deux personnes aient la même conception de ce qu'est la démocratie. Faute de terrain d'entente, de langage commun, comment est-il possible de lancer un débat productif relativement à la revitalisation de la démocratie dans notre société?

Il faut en premier rechercher le sens fondamental de toute "démocratie", la redécouvrir dans ses fondements et dans sa finalité. Je ne prétends pas capturer en une seule phrase toute la complexité du terme, mais il faut bien commencer quelque part (!) - et pourquoi pas: "la démocratie est un système politique dans lequel tout le peuple, positivement ou négativement, prend et a le droit de prendre, les décisions déterminantes à propos des questions politiques fondamentales". Ainsi, un pays dans lequel la réalité de l'exercice du pouvoir politique ne répondrait pas à ce critère ne serait pas une démocratie. À moins de se contenter d'une façade, d'un vernis de respectabilité, le concept d'un peuple qui a le droit de prendre des décisions fondamentales et déterminantes concernant son avenir est vidé de son sens si ce droit n'est pas, dans les faits, exercé.

Une démocratie, au vrai sens du terme, doit permettre à l'électorat de prendre des décisions déterminantes. Lorsqu'un parti est élu au pouvoir en fonction d'une plate-forme électorale de nationalisation des ressources naturelles et respecte ses engagements électoraux en la matière, l'électorat (le peuple) a pris une décision déterminante relativement à son avenir. Lorsqu'un parti est élu en fonction de promesses non respectées (abolition de la TPS?) ou une fois élu agit ensuite en prenant des décisions politiques fondamentales absentes de sa plateforme électorale (fusion des municipalités?), alors il ne s'agit pas d'un exercice démocratique - indépendamment du bien-fondé ou non des décisions en question.

Malheureusement, les intervenants, journalistes, politiciens ou autres, utilisent le mot démocratie pour justifier "rationnellement" leurs convictions personnelles. En associant leurs valeurs personnelles au terme "démocratie", ces intervenants veulent que l'auditoire adopte les mêmes valeurs: qui oserait s'opposer à la démocratie? Ainsi, le terme "démocratie" est progressivement vidé de son sens original à force de vouloir le remplir.

Demandez-vous qui prend les décisions déterminantes à propos des questions politiques fondamentales suivantes: Santé - quelles sont les priorités des dépenses? S'il est établi en toute certitude qu'il est impossible pour le gouvernement de subventionner les soins de toutes les maladies de tout le monde à temps; où doit-on couper? Doit-on instaurer un régime privé de Santé? Justice - quelle devrait être la philosophie de réinsertion sociale

(ou répression) des délinquants? Municipalités - quelles municipalités devraient fusionner? Dans quelles conditions? Transport - doit-on privilégier et subventionner le transport en commun dans les régions métropolitaines pour parer aux augmentations de l'achalandage routier ou investir massivement dans l'infrastructure du réseau routier? Équité du fardeau fiscal - qui évalue si les priorités de dépenses du gouvernement sont équitables, eu égard à ses sources de revenu et au principe fondamental de solidarité sociale? Qui répartit le fardeau fiscal total de l'ensemble des recettes du gouvernement entre: les corporations, les jeunes, ceux qui travaillent, les aînés? Éducation - qui décide de ce qu'on enseigne à nos jeunes? Est-ce que l'Éducation reçoit une part suffisante du budget total du gouvernement? Partis politiques - qui élabore les programmes politiques?

Comment les candidats sont-ils choisis?

Si vous croyez qu'il s'agit de questions politiques fondamentales et que le peuple ne prend pas de décisions déterminantes à leur sujet, la conclusion logique est incontournable: elle est peut-être bien belle et bien bonne notre société, mais elle n'est pas démocratique au vrai sens du terme, aussi choquante cette conclusion puisse-t-elle paraître. Il faut avoir le courage et l'intégrité intellectuelle d'aller jusqu'au bout du raisonnement, et surtout, cesser de s'époumoner à grands coups de "démocratie" pendant que le pouvoir politique réel est exercé ailleurs!

An Introduction to Chinese Jurisprudence

Joe Mik Law II

Westerners often mistake Chinese culture for an unusually rule-bound or monolithic society. This article suggests otherwise. Two contending philosophies – Confucianism and Legalism – divide Chinese jurisprudence. The sage Confucius (551-479BC) instituted the school of thought that bears his name. Its greatest proponents included Mencius (420-350BC), Chu Hsi (1130-1200AD), and K'ang You Wei (1858-1927AD). Shang Yang (d.338BC), Han Fei Tzu (d.233BC), and Li Ssu (d.208BC) founded the Legalist school. Mao Tse-tung (1893-1976AD) revived its precepts in Modern times.

Neither school began as an academic institution but both ultimately acquired that character. The Confucian and Legalist schools each unite scholars and statesmen around core ideologies. Although both philosophies owe their inception to a single founder, many scholars contributed to their evolution over the centuries. Both Confucianism and Legalism have in turn served as the state doctrine. Confucianism dominated from 136BC to 1905AD. Legalism ruled the Ch'in Dynasty (221-206AD) and the Communist regime (1949-present).

Confucius was born into an impoverished aristocratic family in the state of Lu (modern day Shantung Province). He became a magistrate and ultimately served as minister of justice. When his proposals for political reform were ignored, he undertook a 30-year journey in search of a prince willing to govern according to his philosophy. During this time, pupils compiled his teachings into *The Analects*, a work of Biblical significance in Chinese culture.

Legalism developed in close association with the state of Ch'in. As prime minister of Ch'in, Shang Yang brought his state to a position of preeminence during China's civil wars. He also authored a book on statecraft that sets out the basic principles of Legalism. It was, however, Han Fei Tzu, who became Legalism's greatest exponent. Though himself a prince, Han Fei Tzu served the Ch'in. His writings play a role in China comparable to N. Machiavelli's *The Prince* in the West. Palace intrigue, led by his pupil Li Ssu, forced Han Fei Tzu to commit suicide. Under Li Ssu's administration, the king of Ch'in, Shi Huang Di, unified China and became its first emperor (221AD).

In Confucian thought, law permeates the cosmos. It exists in the abstract, separate from state intervention. A confluence of three principles produces law. They are custom or ritual ("Li"), virtue ("I"), and humanity ("Jen"). Law sets out rules of just conduct that help man fulfill his intrinsic goodness. Only long contemplation can achieve this goal. A Confucian individual derives his significance from the web of relationships around him. He respects his place within social hierarchy. He accommodates others for the sake of harmony. He renders unto his parents the deference due to them. He practices the rituals requisite in his society, not because he is particularly pious but rather because custom ensures stability. Confucius attached great importance to ritual for, even if incomprehensible, it underscored the wisdom of ancestors.

According to the Legalists, "a law is that which is enacted into the statute books, kept in government offices, and proclaimed to the people" [*The Han Fei Tzu*. W.T. Chan, trans.]. Only the state can create law. No law exists apart from the state. Legalists denigrated the Confucian cult of custom. They sought instead to remake the world in their own image. Han Fei Tzu argued that the Confucian principles were vacuous and incomprehensible. "If what men of highest intelligence find difficult to understand becomes law, the people will find them impossible to understand" [*The Han Fei Tzu*. W.T. Chan, trans.]. Statutes should be comprehensible, comprehensive, and publicly proclaimed. The Legalists were codifiers. Law collapsed into a series of administrative orders dictated by political expediency. Since Legalists believed that human nature inclined towards disobedience, they instituted a regime of generous rewards and harsh punishments to ensure compliance. The civil strife of his period produced in Confucius an abhorrence of violence. He believed that state authority derived from coercion, and this coercion stymied people's natural goodness. "Lead people with government measures and regulate them with law and punishment, and they will avoid wrongdoing but will have no sense of honor or shame. Lead them with virtue ("I") or custom ("Li") and they will have a sense of shame and, moreover, set themselves right" [*The Analects*. W.T. Chan, trans.]. Confucius believed that state intervention produced cosmological instability. The ideal government did nothing since anything it might do would simply upset social harmony. That government could act in the public interest struck Confucius as a manifest contradiction. Any benefit the people derived from state intervention was purely incidental for, whatever its professions of good faith, government always acts to expand its prerogatives.

It was precisely the state's coercive power that Legalists seek to expand. They disavow any distinction between government and society. They believe that every action possesses a political purpose that the state should harness to its objectives. Legalists never dissimulate their quest for plenipotentary power in the rhetoric of "social justice." They dispense with moral suasion since "people are influenced by power and few of them can be influenced by the doctrines of righteousness" [*The Han Fei Tzu*. W.T. Chan, trans.]. To the Legalists, individuals and property have value only in so far as they serve the state. Both the Ch'in dynasty and the Communist regime assumed residual ownership of land. Both used terror to reunify a war-torn country. The radical excesses of Emperor Shi Huang Di brought the demise of his dynasty soon after his death. We'll see what comes of the Maoist dynasty...

le 9 janvier 2001

N

Cameron Diaz v Cameron Diaz

Daniel Gaudreault Nat IV

When you say too much, it can hurt you.

-Prof. William Tetley

-I like the concept of writing in short and concise paragraphs.

-I also like baseball and golf.

-I will write about Charlie's Angels later and I won't write about New-York firms. Nor will I mention the letters A, B, and A. in any order, together, in the same sentence, starting...now

-Someone said in these same pages a few weeks ago that, as grown ups, we should stop making fun of those we have always known as "nerds". I am sorry but it'll never happen. Isn't Al Gore the ultimate nerd? Because who else (struggles to) play football on a Sunday afternoon wearing a turtleneck and jeans? Who else but a nerd can raise a beautiful little girl so that she thinks it's acceptable to go to law school, get married, be a wife and get pregnant, raise a kid, work for a presidential campaign and 54 billion charities...at the SAME time! The past weeks have proved that people will always make fun of nerds. Same for the jocks though. Except, in the latter's case, people can only begin to make fun of them when 1) unlike kids, grown ups don't bother saying to one's face what one thinks of them and/or 2) there is awareness that beating up someone, as retaliation to sarcasm, leads to heavier consequences than a trip to the principal's office.

-Speaking of jocks. How about that George W. Bush? What he did is quite amazing. 48 something million (go join the crowd and watch CNN in the basement for the exact number) people have confidence in him yet people question his credential Is he that dumb? Can 48 millions of low taxed Americans be wrong? Can his father pull that many strings? Or is it just that there is more than one's knowledge of foreign affairs to evaluate someone. Ever heard of leadership? And you know, he graduated from a school many of his detractors dreamed of attending. Finally have you heard this one...he plays with his Playstation in his governor's office. I wonder what team he uses in Fifa 2000. Oh....I forgot it's a European game, he surely doesn't know about it.

-Combining baseball and American politics. Asked about what they thought of domed stadiums, here is what each had to say. Bush: *I like to go to baseball games outdoor.* Gore: *The design and construction of domed stadiums— in Seattle (the Kingdome was the first freestanding cement dome ever build) Houston (the Astrodome was the first stadium to use AstroTurf) and Minnesota (the Metrodome is the only stadium in the U.S. whose roof is suspended without beam or rods – it's supported by air pressure), for example, have been feats of architectural and engineering excellence. But the real measure of any stadium, domed or otherwise, is how much fun you have inside.* While we could acknowledge Bush's succinct answer but deplore the fact he forgot to mention that he was the one that gave way to the construction of one of the nicest stadium in major league baseball how could we not be in disbelief before Gore's elaborate answer. He should have attended some of professor Tetley's lecture and memorized some of his words of wisdom. Should I really explain why George W. Bush might win? The guy won't shut up!

- Mark Grace is my favorite baseball player. Nomar Garciapparra is runner-up. I recently found out that Loren Holly (Dumb's girlfriend in *Dumb and Dumber*) once left Mark Grace for Nomar Garciapparra. At first it was just some anecdote but it turns out it caused me a lot of problems. You see, Mark Grace is my favorite player, in part, because he was loyal to the Cubs and doesn't care about money. Now he is a free agent and the Cubs decided they wouldn't sign him even though he wanted to stay. They betrayed him. Therefore, the day he signs with another team I will have to get rid of my Cubs hat (it's a size 7 3/8, anyone interested?) and curse them for another 100 years. Then, he being a free agent, there was the possibility of having my two favorite players united in my second favorite team, the Boston Red Sox. That scenario would have been perfect because both of them would have kept their rank in my prestigious list and the Red Sox would have been a perfect replacement for the Expos as my favorite team the day they leave Montreal. But that was underestimating the pride of a man. (I am assuming that this is the reason why Mark Grace doesn't want to play for the Red Sox, a team in need of a first baseman) Would you want to play with someone that you girlfriend left you for? So because of Loren Holly, that won't happen and Mark Grace will sign with the Braves or the Diamondbacks. It's sad but when he does, I'll have no choice

but to remove him from his #1 spot. A spot he held for 11 years. I can't root for someone that plays for the Braves or a team that is responsible for baseball's salary inflation. To this day, I still don't know where Mark Grace will stand in my ranking in the next few weeks nor do I know what I will do with my #17 Cubs jersey. But I do know one thing; Loren Holly won't have a successful movie anytime soon. Like the Cubs, she is cursed. She ruined my perfect plan. Soon I will have to talk to Nomar, about leaving that trouble maker...and find 200\$ to buy one of his jersey.

-I live next to Parc Lafontaine and once in a while I will feed the ducks in the pond. Then one day, I asked myself what they were doing for winter, I mean the water is frozen. Then a friend told me they leave for Florida when it gets colder. Ohhhh yeah, I knew that! A few days ago I saw them in the sky, heading south. They look so organized those ducks. Then I was wondering how they do it? There must be a system. I mean, you know how tough it is for humans to organize a trip. Reservations, fixing a date, gathering people. Usually, there is someone in charge of everything or people work like a team. Are the ducks like human? Is their departure consensual? Is there some duck who walks around asking his buddies « Quack..quack, quack...Dusty, It's getting cold here, I think it's time to go... What do you think Tex?? Have you packed yet? » Or is there some king or chief of the ducks who when he decides to leave everybody follows? And why do they come back anyway? Because I presume they don't need accreditation to go quacking in a foreign lake.

-So Tiger Woods is complaining and believe he doesn't get his due the way the PGA Tour is using his image. Tiger is right, if he could get something everytime someone uses his image it could mean a few more millions down the line. Let's say 528 million instead of 439. On the other hand, Bobby Jones retired with a few good years left just to spend more time with his family. Tiger might win more majors and money but I wonder who was the better man? I guess Marc Miller was right when he said "What's the deal with Tiger Woods? He doesn't look a Tiger. He looks like a chipmunk. His name should be Chipmunk Woods".

-Last year I came up with two games: the "Animal vs. Animal" and the "Sex vs Sport" game. The first one ended a friendship (1000 tarentulas against a rhino is one tough call) and the second one brought some of us to individually discover what were our truest values. In this place where people are starving for debates and can't picture themselves without opinions, I felt like I had, for those in lack of these, to come up with a new version. It goes like this. Pick the character portrayed by an actor or an actress in two different movies or series and debate which one you would like to date the most. Let me use....hummm ??...Cameron Diaz for example. Would I rather date Cameron Diaz as she was in There is Something About Mary or Cameron Diaz in Charlie's Angels? Would I prefer a golf playing/hot-dog eater/doctor Cameron Diaz or a Ferrari driver/Jeopardy! champion/kick-ass special agent Cameron Diaz? I don't know. The beauty of this game, because the debate only evolves around non physical attributes, is that it is totally free of superficiality. The physique of Cameron Diaz remaining, to some extent, the same I have to make a choice solely on the basis of the characters qualities, interests, skills, occupation and even fear or weaknesses.

-Speaking of Charlie's Angels. I saw it with my good friend James Bailey last week. During Cameron Diaz disco dancing dream scene he told me he thought this film would be one of his favorite ever. And he was right. You see, James and I had no shame to admit we loved this movie. It just fits our religion. "The Balance". A new religion which object is to fulfill various and opposite needs. You can't escape needs. Doing so would be unhealthy. When I saw The Red Violin I had some needs to fulfill. It delivered. We went on a third date. Charlie's Angels, in a different way, fulfilled different needs. One of the reason I am writing this article is because the Quid is getting particularly boring and it doesn't respect my religion. Don't get me wrong, I believe all the issues that are raised and thoughtfully debated within these same pages are pertinent. But don't we need to talk about other stuff? This school used to be packed with people that could crack anyone up, those because of whom we had to line up just to attend Coffee House. They were good writers and Civil law property, surprisingly, wasn't that bad in their company. Last time I checked the Quid in class, I read about the requirement to practice law in Wyoming and about stress. I learned a lot in class that day. So, let's say this article was for those that I personally know that believe in my religion, and hoping there are more around than I thought.

- Now some words to another kind of people. Because I truly believe in the quote at the beginning of this article I wasn't supposed to say anything publicly about this next issue. But because my parents raised me by saying that we should protect our name, a name that I happen to share with them, I must say this. I was recently told, more than once, that there is some document in this faculty that list the guys from which girls "should take their distance from". My NAME is in second place. I will desist from elaborating my thoughts on this ranking, whether I deserve it or not. And I will also desist from commenting on the rationale behind such a behavior. Instead, I will come up with my own list, for the good of everyone. Here is the my top two of those you should stay away from in this school. In no specific order. 1: hypocrits 2: rats.

Shut the f**k up - or get the f**k out (or, Let's show a little respect)

Allen Mendelsohn NAT IV

First of all, I should point out that I am writing this not in my official capacity, but as a regular student who has just emerged from class pretty pissed off (thus the expletives in the title), with something to get off my chest. There is a certain Professor, who I won't name here, whose class is seemingly always filled with a low-level background noise of students talking. I've had this Prof before, and it was the same the whole semester. Now admittedly, I am not the most studious of students. I am not the most serious. I am not the most anal-retentive. But the one thing I do on a regular basis is go to class. And I listen. And I try to pay attention. And I assume most of you do as well. Even Jono, when he's in class, is trying to pay attention. Sometimes it's hard, I know. There's a reason I always brought a crossword puzzle to a certain course last semester.

I admit this was the first week of school, and maybe that had something to do with it. But given my past experience with this Prof, I thought I would try to nip this in the bud. The low-level noise in the class today was very noticeable. Even the Prof at a certain point said "I'm hearing a lot of whispering going on." And for someone sitting behind two people who were constantly talking, I really got annoyed, because I was trying to pay attention.

Now I know that some of you may think that annoying me is not a problem, and you're probably right. Although I think we should all show respect to our fellow students, there is a bigger issue here - respect for our Professors. **I think it's shameful if people are not paying attention to the Prof and are chatting away. If you don't like that Prof, switch out of the course. Or don't come to class. Or come to class and do a crossword puzzle or some other quiet activity.**

I'm not saying you need to be quiet as a mouse during an hour and a half. We've all felt the need to comment to our neighbour at a certain point about what was just said by the Prof, the state of our hangover, or Mario le magnifique's game last night. Go ahead and spit it out. But don't constantly yap for the whole class. If you want to have a conversation, do it somewhere else. Let's show *every* Prof the respect they deserve.

The Place I'd Rather Be

Lawna Hurl Law II

Often I am sitting in class thinking of other places that I would rather be, I think that I have found it. Hawaii is great. Today I went body surfing at the beach and the waves were about 10 feet high. I got 'dumped' (which is an Australian term for when the wave picks you up and slams you down into the sand) many times and there was sand EVERYWHERE. Then we tried to go to the Polynesian Cultural Centre but it cost \$65.00 American and Sea Life Park was \$24.00 so we went back to the beach. The people here are very friendly and when we stopped at the Dole Pineapple factory the other day I cracked open an oyster and pulled out two black pearls which apparently NEVER happens.

When you spend all day in a bikini you start to think that maybe an entire box of Turtles chocolates in one sitting on Boxing Day was unnecessary, although it didn't seem so at the time. I have been eating so much Olestra and Little Debbie products I may be developing scurvy. Oh well.

I think that tonight we are going to the Kodak Luau. I am quite concerned about any form of 'sponsored' luau, although I am looking forward to seeing Walter and Mildred from Texas do a little dance, but then I am just mean. I will draw the line at Panasonic Belly Dancing and Sony Skinny Dipping. It's weird being in the US, (green money freaks me out) while also being in a tropical paradise. Waiters and waitresses are very nice and people are friendly and drivers aren't complete morons which makes it a nice change of pace from Montreal. The mantra of our trip has been that if you have to have a crap job why not have it in Hawaii. Which got me thinking if I HAVE TO be a lawyer maybe I should do it in Hawaii. Hmmm I wonder how ABA affects me? Just kidding. I could care less about anything law school related. Besides there is a total hottie at the snorkel rental shop that said I could get a job cleaning used snorkel masks. Tempting.

I am scheduled to come back to Montreal January 14th but I guarantee NOTHING.

N

January 9, 2001

Beatle Law

Chris Dye Law I

As every student in McGill's transsystemic law programme knows, law can come from a variety of sources. (Incidentally, I have now started using the word "transsystemic" as a general pejorative, as in, "Boy, that 6-1 loss by the Canadiens the other night was really transsystemic.") I propose that the legal academia start considering the work of four legislators known as John, Paul, George, and Ringo.

Of course, everyone with half a brain knows that you cannot examine another tradition from outside the perspective of your own tradition. Therefore, I will categorize a few principles of Beatle Law according to the traditional categories in which we learn them in law school, and provide an explanation of each principle.

PROPERTY LAW:

"I me mine, I me mine, I me mine". *I Me Mine*, [1970] LIB 8. This establishes a regime of private, undivided ownership.

"Let it be." *Let it Be*, [1970] LIB 5. Those who interfere with the property of others are liable.

"Take a sad song and make it better." *Hey Jude*, [1968] HJ 1. Intellectual property is appropriated by making improvements.

TORTS:

"Love, love me do." *Love Me Do*, [1963] PPM 1. Another way of stating the Neighbour Principle.

"Please please me." *Please Please Me*, [1963] PPM 2. Loving is mandatory; pleasing is optional.

CRIMINAL LAW:

"Bang, bang, Maxwell's Silver Hammer Came Down upon her head/...Rose and Valerie, screaming from the gallery/ Says he must go free/ the judge does not agree." *Maxwell's Silver Hammer*, [1969] AR 3. Whoever hits someone on the head with a hammer commits an offence.

ENVIRONMENTAL LAW:

"Strawberry Fields Forever." *Strawberry Fields Forever*, [1967] MMT 2. Strawberry fields must be preserved.

CONSTITUTIONAL LAW:

"You say you'll change the constitution, well you know/ We all want to change your head." *Revolution*, [1968] 2 WA 13. Self-explanatory.

IMMIGRATION LAW:

"Get back to where you once belonged." *Get Back*, [1970] LIB 11. A surprisingly conservative immigration policy.

Now that the concept of Beatles as legislators has been so clearly established, it is clear that, for the sake of improving our legal education, the Beatles box set should be added to the holdings of the law library.

The LSA Food & Clothes Drive: un succès sans pareil...

Hé oui, la période des Fêtes est malheureusement terminée. Malgré tout, je profite de cette occasion pour vous souhaiter, au nom de tous les membres du comité exécutif de l'AED, une excellente et heureuse année! We hope that you had wonderful holidays.

La collecte de Noël fut à notre grande surprise un immense succès. En effet, **1023 articles** ont généreusement été acheminés au local du LSA. Voici les résultats complets de la collecte:

Categories	Points	They finished...	What they did last year
Profs & Administration staff	303	CHAMPION	21
Second year	263	second	139
Fourth year & Graduate	174	third	193
Third year	147	fourth	138
First year	136	last	66
Total	1023 items		557 items

Sun Youth has worked for many years to help families in need. In addition to collecting funds to finance various activities for disadvantaged kids, they work as well to finance athletic teams, such as football. During the holidays, *Sun Youth*, with help from hundreds of volunteers, distributes thousands of Christmas baskets, and presents to young children. By giving *Sun Youth* the various items we collected during our Christmas food and clothing drive, we can be sure our generous donations were distributed to persons in need in all regions of Montreal. The clothing and non-perishable food we collected helped thousands of less fortunate individuals and families have a better holiday, and a happier year.

En terminant, un gros merci à tous ceux et celles qui nous ont donné un coup de main et un merci tout spécial à Nancy Sawyer, Jean-François Peyronnard et à Melissa Knock qui est sans aucun doute la grande victorieuse de cette compétition.

Merci de votre participation et à l'année prochaine!

Pierre-Etienne Simard
Vice-President Public Relations
vpvr@lsa.lan.mcgill.ca

Career and Placement Newsletter

January 4th, 2001

Hello everyone,

1) 1st YEAR SUMMER JOBS WITH TORONTO LAW FIRMS/LEGAL ORGANIZATIONS :

A. INTRODUCTION

I have prepared a list of the Toronto firms that have indicated that they plan to hire first year students. The Law Society of Upper Canada (LSUC) does not govern summer recruitment in areas outside Toronto; consequently, employers in such areas may hire students whenever they wish and the CPO advertises positions as they arrive.

B. PROCEDURES

The LSUC regulates the Toronto summer recruitment process for first year students. In summary, the LSUC has established the following recruitment dates:

Thursday, January 25, 2001, noon	Deadline for applications (must be received by this date at the Career Placement Office in order to respect the LSUC deadline of Jan. 26)
Friday, February 9, 2001	Call day for arranging interviews (calls start at 8:00a.m.)
Mon., Feb. 19 – Wed. Feb 21, 2001	Interviews to be held in Toronto
Wednesday, February 21, 2001	Offers can be made after 5:00p.m.

Related information:

- Professors will **not** be cancelling classes to accommodate the interview period
- All students who apply should pick up a copy of the LSUC procedures and be familiar with them** (copy available at CPO, on the boards near the cafeteria or on the LSUC WEB site: www.lsuc.on.ca (look under Education/Articling/Recruitment procedures)).
- Careers Day 2001** will be held on February 5, 2001 - after the Toronto application deadline but before the interview period. Students who have applied will have the opportunity to meet representatives from firms with first year programs who decided to attend Careers Day.

C. FIRMS THAT HAVE CONFIRMED THEY WILL BE HIRING FIRST YEAR SUMMER STUDENTS

There are not a lot of first year summer positions in Toronto or other cities for that matter – most are reserved for second years. Note that all the Toronto firms/organizations that hired second year summer students in the fall have now been surveyed about whether or not they plan to hire first years - almost all have replied.

Students who plan to apply are welcome to pick up the *Toronto Summer Law Students 2001 Applicant Information Booklet* (limited number - from the CPO) that was prepared collectively by the law firms for second year Ontario law students. The book includes one-page profiles on the firms listed below. Some of the contact information has changed since the printing of the booklet; therefore, students should rely on the information I have listed below. The booklet may also be downloaded from www.blakes.com. All updates and additions to the list below will be posted on the board near the cafeteria.

The following organizations confirmed that they will be hiring first year summer students (firms that are formally hiring 1st year students for the first time are marked with a "*"):

le 9 janvier 2001

N

Aird & Berlis

BCE Place, Suite 1800
 Box 754, 181 Bay Street
 Toronto, Ontario M5J 2T9
 Tel: (416) 863-1500 ext. 4024
 Fax: (416) 863-1515
 Website: www.airdberlis.com
 Contact: Ronald Kosonic, Chair of Student Committee
 E-Mail: rkosonic@airdberlis.com
 * Number of First Year Positions: 2

Bereskin & Parr

40 King Street West, Suite 4000
 Toronto, ON M5H 3Y2
 Tel: (416) 364-7311
 Fax: (416) 361-1398
 Website: www.bereskinparr.com
 Contact: Ms. Margaret Seko, Student Programme Co-ordinator
 Email: mseko@berskinparr.com
 Number of First Year Positions: Undecided (hired 1-2 last year)

Blake, Cassels & Graydon LLP

Box 25, Commerce Court West
 Toronto, ON M5L 1A9
 Tel: (416) 863-4303
 Fax: (416) 863-2653
 Website: www.blakes.ca
 Contact: Ms. Mary Jackson, Director of Legal Personnel
 Email: mary.jackson@blakes.com
 Number of First Year Positions: 7 to 10

Davies Ward Phillips & Vineberg LLP

44th Floor, 1 First Canadian Place
 Toronto, ON M5X 1B1
 Tel: (416) 863-6966
 Fax: (416) 863-0871
 Website: www.dwb.com
 Contact: Ms. Frances Mahil, Director, Student Affairs
 Email: fmahil@dwb.com
 Number of First Year Positions: 5 to 7
 See posting

Department of Justice - Ontario Regional Office

130 King Street West, Suite 3400
 Exchange Tower
 Toronto, ON M5X 1K6
 Tel: (416) 973-0942
 Fax: (416) 973-0809
 Website: www.canada.justice.gc.ca (go to section of site called "Working in the Regions")

Contact: Louise Poulin, Articling Co-ordinator
 Email: louise.poulin@justice.x400.gc.ca
 Number of First Year Positions: 2

Fraser Milner Casgrain

P.O. Box 100
 1 First Canadian Place
 Toronto, Ontario M5X 1B2
 Tel: (416) 863-4618
 Fax: (416) 863-4592
 Website: www.fmc-law.com
 Contact: Karen B. Groulx, Co-Chair, Student Program
 E-Mail: karen.groulx@fmc-law.com
 Number of Positions: 4 to 6

McCarthy Tétrault

Suite 4700, TD Bank Tower
 PO Box 48, Stn. Toronto Dominion
 Toronto, ON M5K 1E6
 Tel: (416) 601-8469
 Fax: (416) 362-1793
 Website: www.mccarthy.ca
 Contact: Ms. Lesley Bell, Co-ordinator, Student Programmes (or Ms. Julie Garner-Smith, Chair, Student Committee) Note: If applications are sent to Ms. Garner-Smith, they will be redirected to Ms. Bell and that may cause processing delays)
 Number of First Year Positions: not given (hired up to 5 last year)

Osler Hoskin & Harcourt

P.O. Box 50
 1 First Canadian Place
 Toronto, Ontario M5X 1B8
 Telephone: 416.862.6527
 Facsimile: 416.862.6666
 Website: www.oslers.com
 Contact: Nancy Stitt, Director, Student Programs
 E-Mail: nstitt@osler.com
 * Number of First Year Positions: not given

Torys

Suite 3000, Aetna Tower
 P.O. Box 270
 Toronto Dominion Centre
 Toronto, Ontario M5K 1N2
 Tel: (416) 865-7504
 Fax: (416) 865-7380
 Website: www.torys.com
 Contact: Ms. Sarah L. MacKenzie, Director of Recruitment
 E-Mail: smackenzie@torys.com
 Number of First Year Positions: not given

2) PLACEMENT OFFICE COORDINATOR POSITION

Regular duties:

- To take telephone and e-mail messages
- To file correspondence
- To monitor the office
- To answer students' requests

Special projects:

- To manage duties related to Careers Days (January and February), Alternative/ International Careers Week, Mock Interview Program, First-Year Summer Placement in Toronto, RCPD/CLCDN Survey, Feed-back compilation on the Toronto OCI and Careers Days, Statistics, Translation of certain documents, etc.

Period: January to mid-April 2001, 7-10 hrs/week, flexible hours to be determined with the Director

Requirements:

- Students planning to participate in the Montreal Recruitment this year are not eligible for this position
- The successful applicant must have previous office work experience and be very comfortable with WORD file merges
- Bilingualism

Remuneration: In accordance with McGill Faculty of Law policy, between \$8.00 - \$9.75 / hr.

Deadline: If you are interested in this position, please bring your CV to Brigitte St-Laurent at the CPO by Monday, January 22.

3) INFORMATION SESSION: Resume, Interview Skills and an Overview of the Market Situation with Me Caroline Haney and Me Cloé Caron from ZSA. Date: Wednesday, January 10 from 12:30 to 2 pm in Room 102. A must!
A resume clinic will follow on January 15 and 16 : book your appointment with me now (st-laurent@falaw.lan.mcgill.ca)!

4) CALL FOR VOLUNTEERS: CAREERS DAYS

January 23 : Montreal Careers Day

February 5 : Ontario Careers Day

If you are interested in participating as a volunteer, drop-by at CPO or send me an e-mail: st-laurent@falaw.lan.mcgill.ca

5) SI VOUS ÊTES À LA RECHERCHE D'UN STAGE : THE RESUME BOOK PROGRAM IS FOR YOU!

Le Service de Placement fera un envoi de CV dans les cabinets de moindre taille à Montréal et Toronto. Les personnes intéressées sont priées de m'apporter leur CV et un relevé de notes (un CV en français pour le Québec et un autre en anglais pour le marché ontarien). Deadline pour remettre vos CV au Service de placement : le jeudi 25 janvier.

6) PETITS RAPPELS :

= LES PARTICIPANTS AUX PROCESSUS DE RECRUTEMENT DE NEW YORK/BOSTON, TORONTO, MONTRÉAL ET EAST-WEST SONT PRIÉS DE COMMUNIQUER LEURS RÉSULTATS DE PLACEMENT AU CPO POUR FINS DE STATISTIQUES. CES RÉSULTATS DEMEURERONT CONFIDENTIELS. ILS NOUS PERMETTENT DE MIEUX SAISIR LES FLUCTUATIONS DU MARCHÉ JURIDIQUE.

**MERCI À CEUX QUI L'ONT DÉJÀ FAIT ET J'ENCOURAGE CEUX QUI NE L'ONT PAS ENCORE

le 9 janvier 2001

N

FAIT, À LE FAIRE!**

** S'il y en a d'entre vous qui ont participé aux processus de recrutement de New York/Boston, Toronto et East-West et qui souhaitent devenir des personnes-ressources pour les étudiants de l'année prochaine, veuillez me le laisser savoir. Ce serait très apprécié de leur part. **

7) The LEGAL EMPLOYMENT CAREER HANDBOOK, 2000-2001 Edition, is now on sale at the CPO for \$10.

8) SUMMER PLACEMENT - OTHER THAN 1st YEAR SUMMER PLACEMENT IN TORONTO

- The Placement Office received the forms for the PROGRAMME D'ÉCHANGE INTERPROVINCIAL D'EMPLOIS D'ÉTÉ POUR ÉTUDIANTS DE NIVEAU UNIVERSITAIRE. They have positions in other provinces as legal assistants, research assistant, etc. You can pick up an application form at the CPO or do so on the WEB: www.peq.mic.gouv.gc.ca.
Deadline: **January 31st, 2001**

9) JOB OFFERS RECEIVED THIS WEEK

- Watson Goepel Maledy : The firm will be hiring one or more articling students for the 2001/2002 year. They will be conducting interviews for such positions in the immediate future. It is a medium sized firm based in Vancouver. They have both a solicitor's and litigation practice which includes corporate and commercial work, personal injury, property damage, and insurance defence work, securities, wills and estates, family law, criminal, various tribunal work, employment and labor work, immigration, and real estate conveyancing.

If interested, send application (cover letter, resume, transcripts) to:

Anastase E. Maragos, Partner

Watson Goepel Maledy

Suite 1700 - 1075 West Georgia Street

Vancouver, B.C. V6E 3C9

Fax: (604) 688-8193

Web: www.wgmlaw.com

- Associate, Beijing Office, Blake, Cassels & Graydon LLP : The position to be filled is for a corporate/commercial associate lawyer. This is a three person office consisting of a partner-in-charge, an associate with "Western" legal training (the open position) and a Chinese lawyer/legal consultant. The primary role of the Beijing office is to assist North American and other foreign businesses with legal issues affecting their interest in China.
Qualifications : LL.B designation, Bar qualification in Canada or another common law jurisdiction, reasonable proficiency in spoken Mandarin, at least 2 years' legal experience in a business law practice in China. If you are interested, please contact Sophie O'Kane (852) 29789003 or sophieo@futurestep.com.hk

- Criminal Law Articling Position : The law firms of Kelly, Jennings, Barristers; and Michael W. Lacy, Barrister & Solicitor practice out of the 3rd floor offices of Greenspan, Henein & White in downtown Toronto. Although the position is a joint-articling position, the articling experience is structured such that the student works for both firms simultaneously as if working for one firm of 3 lawyers. Both firms exclusively practice criminal law and do all manner of trials from simple assaults through to murder cases. The articling experience includes every manner of trial and appellate preparation; attendances at administrative court appearances; and the

January 9, 2001

junioring of files when matters come on for hearing.
 Interested applicants should forward their resumes with transcripts to:
 Glen Jennings/Michael Lacy
 Kelly, Jennings
 144 King St., 3rd Floor
 Toronto, Ontario M5C 1G8
 Tel: (416) 366-1758
 Fax: (416) 366-1762

For the complete job description, please consult the postings on the Board

10) DEADLINES FOR CLERKSHIPS - REMINDER

Supreme Court : January 15 at the OUS to obtain the Dean's letter of recommendation.

Federal Court : January 26

For more information, see me at CPO.

11) « MID-WINTER THAW » ORGANIZED BY THE YOUNG LAWYERS SECTION OF THE VERMONT BAR ASSOCIATION - RUSH!

This year's meeting will be held at the Omni Hotel on Sherbrooke St. on Jan. 12 and 13. 200 members are expected to participate. The Young Lawyers Section would like to invite 10 McGill law students to come and attend the seminars and the Friday evening cocktail as guests. You may be able to get a bit of the flavor for law practice just south of the border! Registration forms available at the CPO.

12) SALARY SURVEYS

You can pick up a copy of the 2000 Canadian Lawyer National Compensation Survey (June 2000) as well as the NALP 2000 Associate Salary Survey: National Summary Charts (US) at CPO.

13) The 2000-2001 FIRST-YEAR HIRING INDEX, published by NALP, is available for consultation at the CPO.

14) UPCOMING ATTRACTIONS!

- Le recrutement par les cabinets montréalais : Le Service de placement ramassera les CV les 1er, 8 et 16 février prochains. Nous vous laisserons savoir quelle date chaque cabinet aura choisie. Entre temps, préparez vos CV. Vous aurez plus d'information la semaine prochaine. Vous recevrez également copie de l'Entente.
- The Mock Interview Programme will run this year for four consecutive days: February 6, 7, 8 and 9, 2001. More information next week!
- Area of Practice Dinner: Environmental Law. Guest: Me Charles Kazaz from Fasken Martineau DuMoulin. Date: Tuesday, February 27th, 2001. Sign-up sheet at CPO. 2 more places left!

15) NEW BOOKS AT CPO

- The Great Firm Escape; Harvard Law School's Guide to Breaking Out of Private Practice and Into Public Service.
- Public Interest Job Search Guide 2000-2001; Harvard Law School.
- Public Service and International Law: A Guide to Professional Opportunities in the United States and Abroad; Yale Law School.

FOR MORE INFORMATION, PLEASE CHECK THE BOARDS

le 9 janvier 2001

N

The Annie Macdonald Langstaff Ateliers 2000-2001 Workshops presents:

Women Living Under Muslim Laws

A presentation by Prof. Homa Hoodfar, of
Concordia University's
Department of Sociology and Anthropology,
January 17 @ 12:30 pm, Room
202, New Chancellor Day Hall.

Professor Hoodfar will talk about her work as a member of an international solidarity network of women whose lives are shaped, conditioned, or governed by laws drawn from interpretations of the Koran tied up with local traditions.

Women Living Under Muslim Laws (WLUML) aims to create links among women and women's groups within Muslim countries, to strengthen their struggles and to create the means to support them internationally from within the Muslim world and outside.

Presented by the McGill Faculty of Law and the Institute of
Comparative Law in association with Women & the Law /
Femmes & Droit